ANSWERS

FOR

Alexander Aliſon, and the Creditors of *David* Lord *Halkertoun* adhering to him.

TO

The Supplication given, in Name of the ſaid Lord *Halkertonn*.

NOT to trouble your Lordſhips with reſuming the Petition, Its anſwered, That the Preface to the Petitiou, *Viz:* That I was appointed Factor in the end of the laſt Seſſion, upon a falſe Repreſentation offered by Captain *John Strachan*, and   *Ferſyth* two of the Creditors of the ſaid Lord *Halkertoun*, And that he was abſolutely broke in his Fortune, without either calling or hearing his *P*rocurators, the ſame is moſt calumnious, In ſo far as by the Act herewith produced, dated the fiſt day of *February* laſt by paſt, it plainly appears, *Firſt*, That the Appointment was not made in the end of the Seſſion, but in the beginning of *February*, as the date of the Act teſtifies, 2*do*, That the Factory was granted upon a full debate, betwixt the ſaids Captain *Strachan*, and   *Forſyth*, Creditors on the one part *P*etitioning for a Factory, and the other Creditors compeiring and oppoſing. And 3*ly*, That the Offers made by the ſaid other Creditors were accepted, and that the *Fa*ctory was only granted to the ſaid *Alexander Aliſon*, upon their failzing to make good the Offers they had made, as the Act herewith produced, and marked, *A. B.* teſtifies.

As for the Reaſons offered in the *P*etition againſt *Alexander Aliſen*, his being *Factor*, they are wholly of the ſame nature with the *P*reface. As *Firſt*, That *Alexander* is known to be a bred Writer, and at preſent actual Servant to Mr. *Mungo Carnegie* Advocat, without any skill of a Countrey Eſtate, and reſiding alwiſe at *Edinburgh*, And that he hath appointed one *William Wallace* Meſſenger his Depur, who by his threatning, is like to lay the Land waſt. Its anſwered, That *Alexauder Aliſon* hath found ſufficient Caution above Exception, nor is ſo detained at *Edinburgh*, but that he may attend that affair in the Countrey, as much as is convenient: Specially he having conſiderable Buſſineſs there beſide, and alſo he having appointed *William Wallace* to be his Depute, who hath had the Intromiſſion with that Eſtate theſe ſeveral Years; And as to either his threatning the Tenents, or buying in of Pleas, It is abſolutely falſe, Nor is there any Condeſcendence made, but the plain deſign of the Supplication is, that *Glen-*

farquhar, who hath had a vaſt Intromiſſion with the ſaid Eſtate without control, now juſtly fears to be brought to an account; And therefore makes uſe of the Lord *Halkertoun*'s Name to oppoſe *Alexander Aliſons* Factory, on purpoſe that his own Imbazlements may not be diſcovered.

2*ly*. Where it is objected that *Alexander Aliſon* is Nephew to Captain *Strachan* the moſt rigid of all the Creditors, Its anſwered, *Firſt*, That Nephew to Captain *Strachan* is nowiſe relevant. And 2*dly*. For the Captains Rigidity, It is obviouſly falſe, in as much as,tho he be the preferable and firſt Creditor, yet there is no leſs owing to him then 200 pound *Sterling* of bygone Annualrents,preceeding *Candlemaſs* laſt.

3*tio*. Where it is alledged,that *Alexander Aliſon* appointed Factor only in *Aprile* laſt, hath already by his Indiſcretion laid waſt a conſiderable part of the Eſtate. Its anſwered, That the Alledgeance is general and moſt calumnious, nor hath he laid waſt any part of the Eſtate, but the truth is that one *John Gordon* Tenent in the *Bent*, being run in Arrear above fourteen hundred pounds *Scots*, did at *Candlemaſs* 1696, renunce his poſſeſſion under his hand, obliging himſelf to remove at *Whitſonday* 1697, which accordingly he hath done and is all the Truth in this Objection.

4*to*. Where it is objected, That *Alexander Aliſon* hath cauſed put in Cattle in the Garden, Orchard, and Incloſures, never in uſe to be ſet to the ſpoiling of the Planting, &c. It is anſwered, That *Alexander Aliſon* hath ſet no part of the ſaid Garden and Incloſures, except what was in uſe to be ſet by *Alexander Cowie*, who was Factor before him, and which was done with *Glenfarquhars* Conſent, as the Copie of the ſaid Set herewith produced teſtifies, and the Truth is, *Alexander Aliſon* hath done nothing ſave to proſecute the foreſaid Set, and all that vexeth *Glenfarquhar* is, that *Alexander* does not allow him to feed his Beaſts and Cattel in the ſaid Garden and Incloſures, as he was wont to do: But for the preſerving of the Trees and Planting, *Alexander* does punctually preſerve the ſame; And for that effect at his Entry cauſed appriſe the ſamen by three Gardners. And alſo number ſuch as might ſuſtain any dammage, and if he ſhould failzie therein, his Cautioners will alſo be lyable.

As to the fift Objection, That *Alexander* threatned to turn off the Lord *Halkertoun*'s Perſonal Servants, It is abſolutely falſe, and if it were fit to be more ſpecial in this matter, it would appear that any thing that was done, was done by my Lady to free her Son the Lord *Halkertoun* of an inſolent arrogant fellow, who under the notion of his Keeper did treat him with all Barbarity, and who his Lady Mother put off, without *Alexander Aliſons* Conſent or Knowledge.

6*to*. Where it is objected that Captain *Strachan* had a Locality out of the Eſtate for payment of his Annualrents, whereof he hath been and is in poſſeſſion, and is thereby payed until *Martinmaſs* laſt,and hath had Intromiſſion ſince ſyne. It is anſwered, That this and much more was objected when Captain *Strachan* applied for a Factory, and was all repelled, as the foreſaid Act of the fift of *February* laſt bears:And thereby it is alſo evident, That the oppoſing Creditors might have had the Aminiſtration and Factory, if they had not again and again fail'd in finding the Caution which they offered.

7*mo*. Where it is objected, That *Glenfarquhar* did offer to find Caution, But the Bond Cautiontie given out by the Extracter, being rather a Bond of Corroboration in favours of Captain *Strachan*, than a Bond of Cautionry for a Factor, that was the only Reaſon of his Refuſal. To which it was

anſwered

nſwered, That *Alexander Aliſon* appears to the Coppie of the Band which
xactly quadrats to the Terms of the Act, ſo that *Glenfarqnhars* refuſing
was moſt unreaſonable, and a plain reſiling from his own Offer.

8*vo*. It is objected, That the Lords are in uſe to appoint the Perſon to be
actor who is recommended by the Plurality of the Creditors. Its anſwer-
d, *Firſt*, That there is no Liſt of Plurality given in againſt *Alexander A-*
iſon. 2*do*. When *Alexander* was named he had the Plurality for him, As the
ord *Anſtruther* Ordinary can teſtifie. And 3*tio*. It would be the plain way to
iſorder and confuſion, if upon the Alledging of Pluralities, Factors ſhould
e changed at the deſire of every Male-content-Creditor, and particularly
ne who lyes under ſuch a Claim, as *Glenfarquhar* does.

9*no*. Where it is objected, That the Lord *Halkertoun* is neither Bankrupt,
or his Eſtate exhauſted, and that therefore *Alexander Cowie* the former
actor ſhould be continued.

It's anſwered, *Firſt*, That if there were no neceſſity of a Factor, why
would *Alexander Cowie* Factor of before, and now deſired to be continued.
ut 2*do*. The Lords did juſtly find at the inſtance of the Creditors, that
owie was not a proper Factor, and therefore after much debate did appoint
lexander Aliſon to be Factor as the foreſaid Act verifies. But 3*tio*. The
Truth is that *Glenfarqnhar* knows that there is need of a Factor, but all his
Deſign is to have the Mannagement to himſelf, having already intrometted with above 2860 Bolls of bygone Ferms, and 2400 pound of bygone
Money Rent, for which he hath not yet counted, and whereby he hath not
payed one Farthing of principal Summs nor Annualrents, and this is alſo
he Reaſon why he now makes ſo frank an Offer to find Caution to pay
Captain *Strachan* his bygone Annualrents, even tho his Liberality ſhould
all ſhort, as alſo for payment of his whole bygone Annualrents in caſe
he will renunce his Locality.

But ſeeing your Lordſhips may obſerve, that there is nothing in this Petition ſave *Glenfarquhars* Pick and Partiality. *Its hoped your Lordſhips will reject the Supplication, and confirm* Alexander Aliſon *conform to the foreſaid Act for his Eſtabliſhment; Eſpecially conſidering that notwithſtanding of all* Glenfarquhars *Intromiſſions, his Summs are nowiſe diminiſhed. for which he ſtands Creditor on* Halkertoun.

In Reſpect Whereof, &c. ✓

[illegible]

Alexr Alison

Agt

The Lord Halkertoun

2697